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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,817	09/17/2003	Walter D. Buist	9628-010	8936

23524 7590 05/09/2005

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,817	<b>Applicant(s)</b> BUIST, WALTER D.	
	<b>Examiner</b> Firmin Backer	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1.1

***Response to Request for Reconsideration***

1. This is in response to a request for reconsideration file March 7<sup>th</sup>, 2005 . Claims 1-24 are being reconsidered in this action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hauk et al (U.S PG Pub no 2003/0126068).

4. As per claims 1, 22, Hauk et al teach a method for securely communicating financial information, comprising: receiving over an electronic computer network a coded message comprising an entry in a specified field of a field delimited communication protocol; and interpreting the coded message to have a meaning different from a publicly-known meaning for entries in the specified field (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*) .

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5. As per claims 2, Hauk et al teach a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

6. As per claims 3, 4, Hauk et al teach a method wherein the specified field is an order value field, and comprises a FIX tag 38 entry (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

7. As per claims 5, 6, Hauk et al teach a method wherein the encoded message corresponds to a number of shares, an Indication of Interest (IOI) for a number of shares (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

8. As per claims 7, 23, Hauk et al teach a method for securely communicating financial information, comprising: encoding a message comprising an entry in a specified field of a field delimited communication protocol, wherein the encoded message is intended to have a meaning different from a publicly-known meaning for entries in the specified field; and transmitting the encoded message over an electronic computer network (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

9. As per claims 8, Hauk et al teach a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

10. As per claims 9, 10, Hauk et al teach a method wherein the specified field is an order value field and comprises a FIX tag 38 entry (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

11. As per claims 11, 12, Hauk et al teach a method wherein the encoded message corresponds to a number of shares, an Indication of Interest (IOI) for a number of shares (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

12. As per claims 13, 24, Hauk et al teach a method for securely communicating financial information, comprising: receiving over a first electronic computer network a first message, the message comprising a first entry in a specified field of a field delimited communication protocol; transmitting over a second electronic computer network, a second message, the second message comprising a second entry in the specified field of the field delimited communication protocol; and at least one of the first and second messages being encoded, wherein each encoded message is intended to have a meaning different from a publicly-known meaning for entries in the specified field; wherein, the first and second electronic network, the first and second entries, and the first and second messages are not necessarily distinct (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

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13. As per claims 14, Hauk et al teach a method wherein the field delimited communication protocol is the Financial Information Exchange (FIX) Protocol, or a protocol derived therefrom (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

14. As per claims 15, Hauk et al teach a method wherein the specified field is an order value field (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

15. As per claims 16, 17, Hauk et al teach a method wherein the encoded message corresponds to a number of shares, an Indication of Interest (IOI) for a number of shares (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

16. As per claims 18, Hauk et al teach a method wherein the first and second messages are both encoded, further comprising: determining whether corresponding entries in the specified field of the messages match; and if the match is successful, transmitting a notification to one or more broker/dealers (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

17. As per claims 19, Hauk et al teach a method wherein the transmitted notification is not encoded (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

18. As per claims 20, Hauk et al teach a method wherein the first message is encoded, and wherein the transmitting is to a plurality of receivers, further comprising: receiving from a receiver a reply to the second message; and determining whether corresponding entries in the

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specified field of the first message and the reply match (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

19. As per claims 21, Hauk et al teach a method wherein if the match is successful, transmitting a notification to one or more broker dealers (*see paragraphs 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077*).

### ***Response to Arguments***

20. Applicant's arguments filed March 7<sup>th</sup>, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art (HAUK et al) fail to teach the disclosed inventive concept recited in independent claims 1, 22, 22 and 24. Examiner respectfully disagrees with Applicant's characterization of the prior art. Hauk et al among other things teach an inventive concept a coder/decoder that receives and transmits data; a graphic interface coupled to the coder/decoder that receives and displays certain of the data transmitted from the coder/decoder as a plurality of buying and selling trader *metaphors* representative of actual buying and selling traders; a control interface coupled to the coder/decoder for initiating orders related to the data received and transmitted by the coder/decoder; and a data interface coupled to the coder/decoder for displaying the data in a non-graphic, human-readable form, and for receiving and transmitting data to and from the coder/decoder. Another feature, the method of trading using a virtual trading

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simulator for generating data; *receiving and interpreting the data; displaying the data in the form of a plurality of buying and selling.*

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

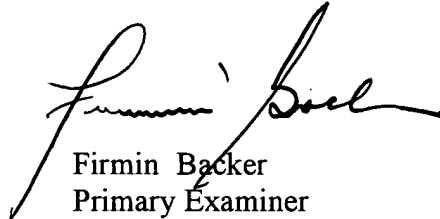
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

May 4, 2005